



3. This notice is being filed within thirty (30) days of the date of service of the Summons and Complaint in this cause on Defendant; accordingly, this Notice is timely filed pursuant to 28 U.S.C. § 1446 (b). Defendant is represented by the undersigned counsel and consents to removal.

4. This action is being removed to Federal Court based on federal question jurisdiction in that this action purportedly arises under the laws of the United States, namely 42 U.S.C. § 1983, 28 U.S.C. § 2201 and § 2202, and the United States Constitution.

5. In that this action involves a civil suit for damages arising under the laws of the United States, this case involves federal questions and federal jurisdiction is therefore founded upon 28 U.S.C. § 1331 and is removable to federal court pursuant to 28 U.S.C. § 1441.

6. Defendants contend that the United States District Court would be acting within its discretion by exercising supplemental jurisdiction over the remaining state claims pursuant to 28 U.S.C. § 1367.

7. The United States District Court for the Middle District of North Carolina is the District in which the aforementioned state court action is now pending. Therefore, the undersigned hereby files this Notice of Removal from the aforesaid Superior Court of Forsyth County, North Carolina, in which it is now pending, to the United States District Court for the Middle District of North Carolina.

8. Written notice of filing of this Notice will be served upon the adverse party in this action as required by law.

9. A copy of this Notice of Removal has been sent for filing with the Clerk of the Superior Court of Forsyth County, North Carolina, as shown by the Notice attached hereto as Exhibit B.

WHEREFORE, the Defendant prays that this action be removed from the Superior Court of Forsyth County, North Carolina, to the United States District Court for the Middle District of North Carolina, and request that this court assume jurisdiction over this action, and proceed to final determination thereof.

This the 20<sup>th</sup> day of April, 2017.

CRANFILL SUMNER & HARTZOG, LLP

BY: /s/Patrick H. Flanagan  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 20, 2017, I electronically filed the foregoing *Notice of Removal to Federal Court* with the Clerk of Court using the CM/ECF system, and will deposit the foregoing document in the United States Mail addressed to the following counsel:

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*Attorneys for Plaintiff*

This the 20<sup>th</sup> day of April, 2017.

CRANFILL SUMNER & HARTZOG, LLP

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